APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,796	12/19/2001	Stephen Todd	EMC-034PUS	6077

51576   7590   01/11/2008

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EXAMINER
AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
2164	

MAIL DATE	DELIVERY MODE
01/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/024,796	TODD ET AL.
	Examiner	Art Unit	
	Sana Al-Hashemi	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>29 October 2007</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-23</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is issued in responds to application amendment filed 10/29/07.

2.   Claims 1-23 were amended. No claims were added. No Claims were canceled.

3.   Claims 1-23 are pending.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-23 are rejected under 35 U.S.C 102(e) as being anticipated by Peters et al. (Peters hereinafter) US Patent NO. 5,884,284 filed Aug. 6, 1997. Issued March 16, 1999. Applicant is advised to consider the reference as a whole.

Regarding Claims 21, 1, 23, and 22, Peters discloses a method, apparatus, and computer program product residing on a computer-readable medium for managing workflows in a service provider environment in which a service provider provides data storage resources to a customer, the computer program product comprising instructions causing a computer to:

provide a the customer with a list of types of work order requests to select work to be performed (Col. 19, lines 4-9, wherein the choices provided to the user corresponds to the list of types of work orders, Peters) based on a permission level defining a level of access to the data storages resources allowed to associated with the customer (Col. 5, lines 39-42, Peters), the work order requests comprising requests

to manage configuration of the data storage resources provided to the customer(Col. 5, lines 42-46, Peters), wherein the types of work order requests comprise at least one of requests to (Col. 7, lines 44-51, wherein the method of displaying al functions corresponds to list of the types of work order requests, Peter):

create a mirror;

restore remote mirroring (Col. 10, lines 22-29, wherein the method of allowing the user to access, modify and update the work order remotely corresponds to the claimed limitation, Peter); or

split a business continuance volume (BCV);

receive a selection of a type of work order request from the customer prior to performance of work associated with the selection (Col. 5, lines 55-60, wherein the cited numerous options corresponds to the selection claimed, Peters):

enable the customer to generate a work order request of the selected type in a work order request submission (Col. 7, lines 44-48, wherein the variety of reports and bills are generated, and col. 8, lines 47-46-50, wherein the user is enable to view, modify and update in other words generate a report, Peters);

create a database object based on the work order request; and

store the database object in a database (Col. 19, lines 20-21, Peters).

Regarding Claim 2, Peters discloses a method, wherein enabling comprises:

providing to the customer at least one task screen corresponding to the selected type of work order request and usable by the customer to generate the work order request (Col. 9, lines 17-27, Peters).

Regarding Claim 3, Peters discloses a method, wherein the work order request comprises values of parameters specific to the selected type of work order request (Col. 9, lines 35-42, wherein the functions including billing, messages, function which corresponds to the values of parameters specific type, Peters).

Regarding Claim 4, Peters discloses a method, wherein the database object comprises elements that include a customer identifier and the selected type of work order request (Col. 9, lines 49-56, wherein the order information corresponds to the element including customer identifier, Peters).

Regarding Claim 5, Peters discloses a method, wherein the elements further include a state to indicate status of the work order request (Col. 9, lines 51-56, wherein the work order discloses the status of the work order such as cancel work, modify order which corresponds to the claimed state to indicate the status, Peters).

Regarding Claim 6, Peters discloses a method, wherein the state is set to indicate a new" work order request initially and later changed to indicate a closed work order request (Col, 10, lines 30-36, Peters).

Regarding Claim 7, Peters discloses a method, further comprising:

assigning a work order request identifier to the work order request (Col. 13, lines 1-11, wherein the command for report function corresponds to the work order request identifier, Peters); and

providing the assigned work order request to the customer (Col. 13, lines 44-51, Peters).

Regarding Claim 8, Peters discloses a method, wherein the database object is stored in the database as a table entry (Fig. 3, step 122, Peters), the table entry including fields to store information associated with each of the elements (Fig. 4, Peters).

Regarding Claim 9, Peters discloses a method, wherein the elements further comprise the assigned work order request identifier and the work order request is stored in one of the fields in the table entry (Fig. 4, step 142, Peters).

Regarding Claim 10, Peters discloses a method, further comprising:

processing the work order request using the table entry, processing comprising attempting to perform any tasks required to satisfy the work order request (Col. 16, lines 6-12, Peters); and

updating the state based on the results of the processing (Col. 9, lines 50-56, Peters).

Regarding Claim 11, Peters discloses a method, wherein updating comprises:

marking the state to indicate that the work order request is closed if such tasks are performed successfully (Col. 10, lines 40-44, Peters); and

marking the state to indicate a failure if such tasks are not performed successfully; (Col. 10, lines 33-34, wherein the "delete miscellaneous jobs which are not related to work order corresponds to the limitations of failure if such tasks are not performed successfully, Peters).

Regarding Claim 12, Peters discloses a method, further comprising:

generating a billable event when the work order request is closed (Col. 29, lines

3-10, Peters); and

storing the billable event in the database in association with the customer

identifier and account information (Col. 29, lines 11-17, Peters).

Regarding Claim 13, Peters discloses a method, wherein work order request

submission is in the form of an email (Col. 5, Lines 2-6, Peters).

Regarding Claim 14, Peters discloses a method, wherein work order request

submission is in the form of HTTP (Col. 15, lines 33-35, wherein the "on-line"

corresponds to the HTTP since it is an on line service, Peters).

Regarding Claim 15, Peters discloses a method, wherein processing is managed

by a workflow automation that periodically queries the database to locate any new work

order requests based on the state in the table entry for each work order request (Col.

15, lines 61-64, wherein the automatic update corresponds to the claimed periodically

queries the database to locate any new work order requests based on the state in the

table entry for each work order request, Peters).

Regarding Claim 16, Peters discloses a method, wherein the processing,

updating, and the generating and storing of the billable event are handled by the

workflow automation (Col. 30, lines 39-46, Peters).

Regarding Claim 17, discloses a method, wherein the workflow automation

invokes other processes needed to perform the work order request (Col. 29, lines 23-

50, the cited functions are used to perform the work order, Peters).

Regarding Claim 18, Peters discloses a method, wherein processing is managed manually by an administrator of the service provider (Col, 5, lines 38-43, Peters).

Claim 19, Peters discloses a method, wherein the processing, updating, and the generating and storing of the billable event are handled manually by the service provider administrator (Col. 5, lines 38-48, Peters).

Regarding Claim 20, Peters discloses a method, wherein the processing, updating, and the generating and storing of billable events are managed manually by the service provider administrator when the state indicates a failure (Col.10, lines 22-36, Peters).

Response to Arguments

Applicant's arguments filed 10/29/07 have been fully considered but they are not persuasive.

Applicant argues the Peter reference does not disclose the newly amended limitation of "wherein the list of the types of work orders requests comprises at least one of requests to: create a mirror or restore remote mirroring".

Examiner disagrees. Peter discloses the method of displaying all functions to user to created, edit, modify, change schedule, etc. to the user which corresponds to the claimed limitation. Furthermore the Peter reference discloses the method of allowing the user to access the account or the work order remotely to print or view the work order which has been generated and saved previously. As stated in the rejection above. Therefore the examiner believes the argued limitations have been addressed by the Peter reference.

Applicant argues the Peter reference does not teach the "mirroring much less types of work request that include creating a mirror or restore a remote mirror".

Examiner disagrees. Since the Peter reference discloses the method of saving a work order to be accessed by the user this step corresponds to mirroring and by allowing the user to access and modify the work order remotely and save the changes, the restore a remote mirroring has been addressed.

Applicant argues that the Peter reference fails to discloses "work order request to split a business continuance volume (BVC)".

Examiner disagrees. Since the argued limitation has been deleted for the claim, the argument is invalid.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013. The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sana AL-Hashemi/.
Primary Patent Examiner
Art Unit 2164
January 2, 2008